

ENROLLED ORIGINAL

A RESOLUTION

18-473

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

May 18, 2010

To approve the multiyear Contract No. CFOPD-10-C-043 with CIBER, Inc., to replace the System of Accounting and Reporting for the Office of Financial Operations and Systems within the Office of the Chief Financial Officer.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Contract No. CFOPD-10-C-043, SOAR Replacement Approval Resolution of 2010".

Sec. 2. (a) Pursuant to section 451 of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 803; D.C. Official Code § 1-204.51), and section 105a of the District of Columbia Procurement Practices Act of 1985, effective March 8, 1991 (D.C. Law 8-257; D.C. Official Code § 2-301.05a), the Council approves Contract No. CFOPD-10-C-043 for replacement of the System of Accounting and Reporting for the Office of the Chief Financial Officer, Office of Financial Operations and Systems.

(b) The proposed contract has a 2-year base term and 3 one-year option periods. The proposed contract cost is not to exceed \$10,360,817 for the base period.

Sec. 3. The Secretary to the Council shall transmit a copy of this resolution, upon its adoption, to the Office of the Chief Financial Officer.

Sec. 4. The Council adopts the fiscal impact statement of the Chief Financial Officer as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

Sec. 5. This resolution shall take effect immediately.

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A RESOLUTION

18-474

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

May 18, 2010

To approve the proposed contract (CA 18-294) between the District of Columbia and Laake Enterprises, Inc., in the amount of \$2,345,325 to provide 15 ambulances to the Fire and Emergency Medical Services Department.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Proposed Contract with Laake Enterprises, Inc. Approval Resolution of 2010".

Sec. 2. Pursuant to section 451 of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 803; D.C. Official Code § 1-204.51), and section 105a of the District of Columbia Procurement Practices Act of 1985, effective March 8, 1991 (D.C. Law 8-257; D.C. Official Code § 2-301.05a), the Council approves the proposed contract (CA 18-294) between the District of Columbia and Laake Enterprises, Inc., in the amount of \$2,345,325 to provide 15 ambulances to the Fire and Emergency Medical Services Department.

Sec. 3. Transmittal.

The Secretary to the Council shall transmit a copy of this resolution, upon its adoption, to the Mayor.

Sec. 4. Fiscal impact statement.

The Council adopts the fiscal impact statement of the Chief Financial Officer as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

Sec. 5. Effective date.

This resolution shall take effect immediately.

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A RESOLUTION

18-475

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

May 18, 2010

To approve the University of the District of Columbia, Multiyear Contract No. PO-GF-2010-R-0068-WT with SciQuest, Inc., to provide e-procurement software license services.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "University of the District of Columbia, Contract No. PO-GF-2010-R-0068-WT, SciQuest Inc. E-Procurement Software License Service Approval Resolution of 2010".

Sec. 2. Pursuant to section 451 of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 803; D.C. Official Code § 1-204.51), and section 2(b)(2) of the University of the District of Columbia Procurement Authority Temporary Amendment Act of 2009, effective December 17, 2009 (D.C. Law 18-92; 56 DCR 8516), the Council approves Contract No. PO-GF-2010-R-0068-WT, which has a 5-year base term; for e-procurement software services for online cost comparisons, purchase invoices, and payment, in an amount not to exceed \$685,000 for the term.

Sec. 3. Transmittal.

The Secretary to the Council shall transmit a copy of this resolution, upon its adoption, to the University of the District of Columbia Board of Trustees and to the President of the university.

Sec. 4. Fiscal impact statement.

This Council adopts the fiscal impact statement of the Office of the Chief Financial Officer, dated March 12, 2010, as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

Sec. 5. Effective date.

This resolution shall take effect immediately.

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A RESOLUTION

18-476

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

May 18, 2010

To declare the existence of an emergency with respect to the need to approve Contract No. POAM-2006-C-0021 with U.S. Facilities, Inc., and to authorize payment to U.S. Facilities, Inc., in the amount of \$1,398,668.97 for services received and to be received under the contract.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "OUC Maintenance Services Option Year Contract Approval and Payment Authorization Emergency Declaration Resolution of 2010".

Sec. 2. (a) Section 451(b) of the District of Columbia Home Rule Act ("Home Rule Act") states that "(n)o contract involving expenditures in excess of \$1,000,000 during a 12-month period may be made unless the Mayor submits the contract to the Council for its approval and the Council approves the contract." D.C. Official Code § 1-204.51(b)). That section was added to the District of Columbia Charter by Congress in 1995 at the request of the Council and has always been interpreted to require each option year of a contract to be submitted to the Council for review and approval.

(b) On January 7, 2009, the Attorney General emailed all agency contracting officers and ordered them to ignore the longstanding practice of this and previous administrations, and cease sending option contracts in excess of \$1 million to the Council for review and approval. As a result, option-year contracts in excess of \$1 million were not submitted to the Council for review and approval during the period from January 7, 2009 to October 1, 2009.

(c) The Council affirmed and clarified the clear requirements of the Home Rule Act and the longstanding practice of this and previous administrations to submit option-year contracts in excess of \$1 million for Council review and approval by adopting the Criteria for Council Review of Contract Options Clarification Emergency Amendment Act of 2009, effective October 15, 2009 (D.C. Act 18-207; 56 DCR 8228), and the Criteria for Council Review of Contract Options Clarification Amendment Act of 2009, effective March 3, 2010 (D.C. Law 18-111; 57 DCR 181). After adoption of these acts, the Executive resumed transmitting option-year contracts in excess of \$1 million. However, there remained a need to obtain the actual option-

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year contracts for the period between January and October 1, 2009 that had been withheld by the Mayor not only for purposes of Council review and approval, but because these are public contracts involving the expenditure of public funds, and the public – as well as the Council – has a right to know whether contracts are being renewed and on what terms they are being renewed. The Council's Charter right to review contracts cannot be contingent upon whether the Executive decides to formally transmit contracts.

(d) A contract is either a multiyear contract that requires active Council approval under section 451(c) of the Home Rule Act, or it is a one-year contract that requires Council approval under section 451(b) of the Home Rule Act if the contract requires appropriations in excess of \$1 million during the 12-month period. The approval of the 12-month base term of a contract in excess of \$1 million does not obviate the Home Rule Act requirement that each option year in excess of \$1 million be submitted to the Council for review and approval.

(e) Reviewing contracts of over \$1 million is an important oversight function of the Council and the failure to be provided with these contracts, and other documents, impairs the Council's ability to discharge that function, as defined by the Charter.

(f) On February 26, 2010, the Committee on Public Safety and the Judiciary held a public oversight roundtable to discuss certain contracts related to the committee's purview, including Contract No. POAM-2006-C-0021 with U.S. Facilities, Inc., for maintenance services at the District's Unified Communication Center.

(g) As a result of the committee's oversight, the Executive revisited this issue and a contract modification was executed on May 13, 2010.

(h) This contract modification includes a \$180,000 reduction in the cost of the contract which now accurately reflects the committee's reduction to this contract as provided on page 71 of its Report and Recommendations of the Committee on Public Safety and the Judiciary on the Fiscal Year 2010 Budget and related Budget Support Act.

(i) There exists an immediate need to retroactively approve and authorize payment for this option-year contract because the contract has not been approved by the Council as required by the Home Rule Act.

Sec. 3. The Council of the District of Columbia determines that the circumstances enumerated in section 2 constitute emergency circumstances making it necessary that the OUC Maintenance Services Option Year Contract Approval and Payment Authorization Emergency Act of 2010 be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.

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A RESOLUTION

18-477

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

May 18, 2010

To declare the existence of an emergency with respect to the need to approve a multiyear contract with TAC Transport, LLC, to provide solid waste hauling and disposal services.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Contract No. DCKT-2010-E-0136 Emergency Declaration Resolution of 2010".

Sec. 2. (a) There exists a need to approve Contract No. DCKT-2010-E-0136 with TAC Transport, LLC ("TAC"), to provide solid waste hauling and disposal services for the District's residential trash program for 3 years from date of award.

(b) The Office of Contracting and Procurement, on behalf of the Department of Public Works, proposes to enter into a multiyear contract with TAC. The estimated total expenditure under this multiyear contract with TAC is in the amount of \$7,609,620.

(c) Approval is necessary to allow the District to receive the benefit of these vital services from TAC.

(d) These critical services can only be obtained through an award of the multiyear contract with TAC.

Sec. 3. The Council of the District of Columbia determines that the circumstances enumerated in section 2 constitute emergency circumstances making it necessary that the Contract No. DCKT-2010-E-0136 Emergency Approval Resolution of 2010 be adopted on an emergency basis.

Sec. 4. This resolution shall take effect immediately.

ENROLLED ORIGINAL

A RESOLUTION

18-478

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

May 18, 2010

To approve, on an emergency basis, multiyear Contract No. DCKT-2010-E-0136 with TAC Transport, LLC, to provide solid waste hauling services for the Department of Public Works.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Contract No. DCKT-2010-E-0136 Emergency Approval Resolution of 2010".

Sec. 2. Pursuant to section 451(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 803; D.C. Official Code § 1-204.51(c)(3)), the Council approves Contract No. DCKT-2010-E-0136, a multiyear agreement with TAC Transport, LLC, in the amount of \$7,609,620, to provide solid waste hauling services, for 3 years from the date of award, for the Department of Public Works.

Sec. 3. Transmittal.

The Secretary to the Council shall transmit a copy of this resolution, upon its adoption, to the Mayor.

Sec. 4. Fiscal impact statement.

The Council adopts the fiscal impact statement of the Chief Financial Officer as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

Sec. 5. Effective date.

This resolution shall take effect immediately.